



## LAVERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, May 8, 2013 6:00pm

City Council Chambers, 111 South Main Street  
LaVerkin, Utah 84745

**Present:** Chair Anna Andregg; Commissioners: Allen Bice, Michael Hinckley, Hugh Howard, and Karl Benson, Staff: Derek Imlay, Kyle Gubler, Chief Lloyd Watkins, and Christy Ballard; Public: Richard Hirschi, Ann Wixom, and Chad Anderson.

- I. **Call to Order:** Chair Anna Andregg called the meeting to order at 6:00pm. The Invocation and Pledge of Allegiance was given by Allen Bice.

- II. **Approval of Minutes:**  
Commission may approve the minutes of the March 27, 2013 regular meeting and the April 10, 2013 regular meeting.

**Motion was made by Commissioner Allen Bice to approve the April 10, 2013 regular meeting, second by Commissioner Michael Hinckley. Motion carried unanimously.**

**Motion was made by Commissioner Hugh Howard to approve the March 27, 2013 regular meeting, second by Commissioner Allen Bice. Motion carried unanimously.**

- III. **Approval of Agenda**

**Motion was made by Commissioner Michael Hinckley to approve the agenda as written, second by Commissioner Hugh Howard. Motion carried unanimously.**

- IV. **Reports:**

1. Beautification/Trails Committee-Kyle reported that there was not a meeting but the Crescent Park project should be starting next week. Crescent Park is a crescent shape piece of property at the north east corner of the intersection north of Maverik. The City will be maintaining it. Wal-Mart has donated some plants to the City that will be planted at various spots around town. The Crescent Park will be one of those places.
2. Economic Development Committee-Derek will cover in his report.
3. Director of Operations-Derek reported that Staff met with the Engineer for the potential Family Dollar today. They will be coming in south of Maverik. Right now they will be doing a parcel split. Family Dollar will be closest to Maverik. The Engineer mentioned that he will be back down with the actual building plans to meet with staff by the first of next week.

Staff is also reviewing the plans for the re-construction of Sunset View Estates. The utility meeting for that project should be in about 3 weeks. Kevin and their attorney are close to a development agreement and then they will be coming to Planning Commission.

The hotel is moving forward. It looks good they should be getting trusses next week.

1. **Business:**

1. Discussion and direction concerning possible changes to and clarifications of regulations regarding animals and small fowl in residential zones.

Chief Watkins explained the enforcement issue the Police Department is having with the current Code. He prefers to have the policy more cut and dry. Right now it can be interpreted different ways. La Verkin's method of enforcement is based on complaints. If there is an issue and the police have to get involved they look at what the law states and then say this is the law and this is what you need to do to come into compliance with it. Right now they have the different people involved interpreting the code in different ways. It makes it hard to issue citations or even push the issue because it can be read in multiple ways.

He would like the Planning Commission to make it more concrete.

Commissioner Bice said that staff provided the Commissioners with ordinances from other cities.

Derek explained that he interprets the Code the same as the Chief does. You have to have 10,000 square feet but there are animals allowed in an R-1-8 and most of those lots are just what they say they are, 8,000 square feet. The General Plan also needs to be taken into consideration when discussing this. It only allows agricultural use in an R-A-1. So we are potentially looking at changing the General Plan.

Do we want to allow anything in an R-1-8 or R-1-10? Do we want to allow fowl and smaller animals in the residential areas and put the hooved animals in the outer perimeters? He also had a gentleman talk to him about allowing pigs. Are they something we would want to allow in the R-1-A zones, that is ½ acre or larger lots?

The interpretation issue is there but the Planning Commission also needs to decide what type of animals they are going to allow and into which zones. There are people right now who have animals that are in violation of our current code. So the Planning Commission needs to start narrowing down what they would like see and where so staff can start putting something together.

Included in the packet are copies of other cities codes from around the state just to give the Commissioners some examples of how other communities are dealing with this issue.

Commissioner Hinckley asked if requiring people to have ½ an acre before they could have animals would take animals out of all of the R-1 zones.

Derek replied that it would and pointed out on the zoning map the different colors and what zones they represented.

Commissioner Bice commented that he likes the point system which excludes it all by itself. If 200 points is allowed per acre and a horse or cow is 40 points, you would have to dedicate a fifth of an acre to the animal alone. A quarter acre lot with a house on it automatically excludes that possibility without having to set specific size barriers, at the same time allowing people with not a lot of land to have chickens if they wanted to. The point system seems to simplify things and couldn't be misunderstood.

Kyle suggested clarifying in the definition that it is the land outside of the footprint of the home that counts as going toward the required acreage.

Chief pointed out that some people would allow chickens into their home. That's why he would like it defined better.

Commissioner Hinckley would like to specify which zones animals would be allowed in.

Commissioner Benson likes the point system also, for the same reasons Commissioner Bice does and because it deals with the issue of mixing animals.

Derek said that if the Commissioners went with the point system the definitions would still need to be looked at as far as if it is the footprint of the house or the actual lot size the numbers are applied to. And will it be okay for someone to build a house and then buy the lot next to it for the animals.

Commissioner Benson stated that allowing the person with enough land to have animals goes along with the General Plan which states we encourage agricultural use in the town.

Kyle asked if a subdivision could come in and create rules restricting animals in that subdivision.

Derek replied that they can under CC&R's if there is an active Home Owners Association.

Chief said that it's after the Home Owners Associations fail that he gets called and he has refer back to the City Code. CC&R's are not enforceable by the police.

Commissioner Andregg asked if a minimal size lot could be established per zone and then go by the point system beyond that.

Chief said that is an option. It could state that after you have a certain amount of land dedicated to the use of the animal then these are the amounts of animals you can have based on the point system. The other issue is where they can be fed. Right now animals have to be fed 50 feet from the property line but how does that work for chickens.

Chief feels that roosters shouldn't be allowed at all.

Commissioner Andregg said that the Commissioners can decide on a minimum lot size and no one under that would be allowed to have animals whether there is a house on the property or not. That would take care of Commissioner Hinckley's concern.

Commissioner Howard asked about people that are currently in violation of the code.

Derek replied that this change would be from the time it's past forward. If animals are moved off the property then they would be subject to the new policy. He likes the point system and feels that the 50 foot setback should be done away with and go to 7 or 8 feet to keep them off the property line.

Commissioner Bice said that in the Utah's Land Use Ordinance Library it talks about number of feet from the neighbors building and he liked that idea. The 50 ft idea works for horses but not chickens.

Chief Watkins pointed out that some people have chicken coops.

Commissioner Bice stated that he is on 1/3 acre. He could have a chicken coop in the center of his property and be legal. Most lot shapes in the R-1-8 zone are not big enough to legally have a chicken coop.

Commissioner Andregg read from American Forks code under Item C which talks about the housing or confinement and the feeding and watering of livestock and fowl which states that they will be located not closer than 75 feet from an existing dwelling or other occupied structure.

Commissioner Bice said that he would not have a problem excluding the property owners' home from that definition but require them to have a set distance from the neighbor's house.

There was a discussion on the issue of people having animals next to a vacant lot and then a home being built on that vacant lot.

Ann Wixom stated that she thought a cleaner way to address that would be say the distance from the property line and pointed out that there are already minimum setbacks when you are building. So if the distance is set at 40 feet and the setback for the home is 10 feet off the property line then you would list the amount as 30 feet from the property line. That way if there is a complaint, law enforcement won't have to do any research to find out if the neighbor's house was built before or after the chicken coop. Or if there was a small chicken coop but the owner decides to add on or tear down for a bigger chicken coop and say they are grandfathered in.

Derek likes that idea, that way the numbers are more uniform with what we already have in the book.

Kyle asked about people wanting to put animals in the front yard as long as they meet the required setback.

Derek said that as long as the structure isn't higher than two feet a chicken coop could go in the front yard. So we may want to specify animals need to be maintained in a back yard.

Commissioner Bice pointed out that some back yards are on the street.

Derek said that currently with corner lots the sides that face the street have the same requirements. This won't prohibit them from having animals but they won't be able to have very many.

Commissioner Bice agrees that the R-1-8 zone is not the place for large animals. But his father has 8 acres and is not in an agriculture zone, he would like to write the ordinance to preserve that ability. If someone has enough land in any zone he would like them to be allowed to have animals.

Kyle said that at some point the larger pieces of property will be developed and the ability to have animals would change with it.

You could allow animals in Commercial Zones. That would take care of most of those large properties that currently have animals.

Derek said that right now animals are not allowed in Commercial Zones. Everyone that currently has animals on those parcels would be grandfathered in but if it is something the Commissioners would still like to see then that issue will need to be addressed.

The point system would resolve this issue. If you set the criteria as allowing animals in anything above an R-1-8, or a minimum lot size of 10,000 square feet and then go to the point system, you are allowing it in every other zone. Have the setbacks the same as our easements that are already in place.

Ann Wixom asked if they wanted to eliminate fowl from the R-1-8 zone or just large animals.

Commissioner Andregg commented that a point system would limit the number of chickens allowed in the smaller parcels.

Ann suggested a compromise between the ideas and have a minimum lot size within the R-1-8 that could have small animals only using a point system.

Commissioner Bice pointed out that this still will not prevent people from buying two lots and putting animals on one.

Commissioner Hinckley said that it will limit the number of animals they can have and states the distance they have to be from the neighbors.

It was decided to go with the point system, have a minimum lot size of 10,000 square feet, not zone specific, and use the setbacks that are already required.

The point system does not include the footprint of the house or the front yard. Animals will be allowed in the back yard only.

Chief suggested adding that animals need to be properly fenced in so we don't have free range chickens.

The setbacks are not just for feeding that is where the animals will be located and the points pertain to the amount of square footage fenced in for the control and dedication of the animals.

Commissioner Bice would like to stipulate that the animals cannot be for commercial use.

Commissioner Benson said that the consensus seems to be a limitation from the property line, not be in the front, has to be a dedicated area, minimum lot size. He also voiced a concern with the dedicated use. If someone has property they have dedicated to the use of animals and then put a swing set in that dedicated use have they reduced it.

Commissioner Bice said that if the animal can no longer put its hoof on the ground it's no longer a dedicated use for that animal. So if they are still grazing under the swing set it is still part of the dedicated use but if a shed was put in that would change the dedicated use.

Derek will bring this up to Kevin on Monday. He thinks there is enough here to start working with to get a draft put together.

Commissioner Hinckley pointed out that the different examples of the point system have specified a difference between miniature horses and cattle verses regular size horses and cattle.

Commissioner Benson would like the point system included in the draft.

Derek commented that a lot of Chief's concerns were addressed and things were narrowed down quite a bit.

Kyle said that this doesn't eliminate the small town feel talked about in the General Plan at the same time it doesn't infringe upon people's rights either.

Commissioner Hinckley said that one of the examples states that all livestock will be fenced appropriately which he likes but he doesn't like the part that says additional review by the planning commission may be allowed.

Commissioner Benson asked about lands currently used as agriculture but zoned commercial. How are they being taxed first of all and how does that work with the Land Use Statement where we are encouraging agriculture but zoning it commercial.

Kyle said that the property tax is decided by the County and they regulate it, not the City.

Commissioner Bice answered that if the owner has at least 5 acres in agriculture they can get a Green Belt Waiver.



Commissioner Andregg asked if large animals will be allowed in Commercial without the waiver.

Commissioner Hinckley stated that the animals will not be eliminated until the property is developed and it can't be residential because it's in a Commercial zone.

Commissioner Benson asked about the property on the west side of State Street that currently has animals grazing on it, will the setbacks make it so they can't continue doing that.

Derek replied that the Commercial setbacks are the same as residential.

The change won't affect them until the owner decides to develop that property and then they will have changed the use.

**2. Adjourn:**

**Motion was made by Commissioner Michael Hinckley to adjourn, second by Commissioner Karl Benson. Motion carried unanimously at 6:54pm.**

Minutes taken on behalf of the City Recorder by Christy Ballard.

  
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Planning Commission Chair

6-12-13  
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Date Approved